

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *AW* D.C.

2005 JUN 14 PM 4:00

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN. MEMPHIS

UNITED STATES OF AMERICA)

v.)

RANDE LAZAR, M.D., d/b/a
OTOLARYNGOLOGY
CONSULTANTS OF MEMPHIS)

Criminal No. 04-20017-D/V

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN. MEMPHIS

05 JUN 17 PM 3:30

FILED BY *AW* D.C.

THE UNITED STATES REQUESTS PERMISSION TO FILE TWO-PAGE MOTION
ADDRESSING UNITED STATES V. REED, 2005 WL 107720 (E.D. Tenn. 2005)

Comes now the United States of America, by and through the undersigned Assistant United States Attorney, and files this request to file a short memorandum addressing United States v. Reed, 2005 WL 107720 (E.D. Tenn. March 28, 2005). This case specifically addressed the issue of "words of incorporation" and discussed the holdings of Groh v. Ramirez, 540 U.S. 551 (2004) and Branski v. Fifteen Unknown Agents of Bureau of Alcohol, Tobacco, and Firearms, 401 F.3d 419, (6th Cir. 2005) which were raised by the court during our recent hearing. The government will limit its motion to two pages.

MOTION GRANTED

DATE: 6-17-2005

Bernice Bouie Donald
BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

This document was filed on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 6/17/05

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WHEREFORE, the government respectfully requests to file a two-page motion addressing United States v. Reed.

Respectfully submitted,

TERRELL L. HARRIS
United States Attorney

By: 

KEVIN P. WHITMORE (BPR #021293)
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CERTIFICATE OF SERVICE

I, Kevin P. Whitmore, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing Motion by the United States has been mailed, first class postage pre-paid to Mr. Steven E. Farese, Farese, Farese & Farese, P.A., P.O. Box 98, Ashland, Mississippi 38603 and to Mr. Marc N. Garber, 3939 Roswell Road NE, Suite 265, Marietta, Georgia 30062-6226.

This 14th day of June, 2005.



KEVIN P. WHITMORE
Assistant United States Attorney



Notice of Distribution

This notice confirms a copy of the document docketed as number 345 in case 2:04-CR-20017 was distributed by fax, mail, or direct printing on June 20, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT